

WAIVER OF SERVICE OF SUMMONS

TO: Peter G. Zurbuch, Esquire
Jeffrey S. Zurbuch, Esquire
Busch & Talbott, L.C.
P.O. Box 1819
Elkins, WV 26241

SAMUEL L. KAY, JR.
S. District of W. Va.
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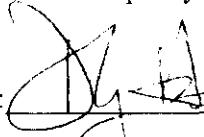
I acknowledge receipt of your request that I waive service of summons in the action of United States Fidelity & Guaranty Company, a Maryland corporation, vs. Christina Williams and Joan Williams, et al., in the United States District Court for the Southern District of West Virginia, which is Case No. 2:00-0247, an in which I am a named defendant. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after the 26th day of April, 2000.

Date: 25 April 2000

Signature: 

Printed/typed name: DAVID L. GRUBB
JOHN W. BARRETT
Attorneys for: ANTHONY RIFFLE, GERRI RIFFLE, JAMES ADKINS, DELORES ADKINS, GENE BARNETT, SHARON BENTZ, JOSEPH BIANCANIELLO, CHERYL BIANCANIELLO, CHARLES BOSO III, KIMBERLY BOSO, DAVID BRANNON, TINA BRANNON, STEPHEN COON, TAMMY COON, BRUCE DEWEES, LISA DEWEES, JAMES DIXON, IVAN ELLIOTT, DEAN EVABS, SHARON EVANS, ROBERT FARLEY, LARRY FIELDS, LENORA FIELDS, CARROLL FISHER, BERNARD FREDRICK, ANTHONY GEORGE, GEORGIE GEORGE, JERRY KEEN, GERALD KING, YVONNE KING, RONNIE LANIER, SHELLY LANIER, LARRY MARION, DAVID MOORE, DIANNA MOORE, MARK MORGAN, PEGGY MORGAN, CYNTHIA MUDD, RICK MURPHY, CONNIE MURPHY, JULIE NUTTER, STEPHEN NUTTER, ELAINE PARNELL, BEVERLY RANDOLPH, TIMOTHY REED, THELMA REED, LARRY RHODES, JACK

RICHMOND, LINDA RICHMOND, SCOTT SHAFFER, PENNY SHAFFER, WESLEY SMITH, SHEILA SUTPHIN, GREGORY TYSON, STEPHEN WHITED, JOHN WHITMAN, JAMES WILLIAMS, WILLIAM WILLIAMS, ROBERT WINEBRENNER, THRESA WINEBRENNER, TARA ANDERSON, RICKY ANDERSON, LARRY D. BAILEY, TERRY L. BROWN, ADRIAN R. BYRGE, WILLIAM CULFIELD, CRAIG M. DEVAUGHAN, MICHELLE L. DEVAUGHAN, VILSIA L. DOWNS, VIOLA S. DOWNS, RUSSELL W. GOODWIN, TINA ANN GOODWIN, TAMMY K. JAMES, VERA JOHNSON, ALAN E. JOHNSON, JASON NICHOLS, ALMA L. PERRY, DAVID C. HERNER, BRIAN J. RANDOLPH, KENNETH G. SMITH, REGINA J. WHITE, RACHEL WILLIAMS, JEFFRY WILLIAMS, PAULINE YOUNG, RAYMOND L. YOUNG, RHONDA YOUNG, RICHARD VANBIBBER, DAVID WATSON, MARGIE WATSON, MICHAEL COMER, BENITA COMER, TIMOTHY MARKS, LORI ANN MARKS, JIM MASSEY, SHIRLEY MASSEY, ROGER MASSEY, SHEILA MASSEY, JOHN SCITES, MARY SCITES, DAVID STEELE, MICHAEL STROPE, ANGELA STROPE, DONALD TITUS, KAREN TITUS, JAMES BROWNING, GLADYS BROWNING, SHIRLEY MCCALLISTER, LESTER JOE GANDEE, NICELLE GANDEE, KYLE WATSON, KENNETH CARTE, VANESSA CARTE, ERNEST JARRELL, PAMELA JARRELL, BILLY SEBESTIN, DONNA SEBESTIN, DONNA PAULEY, TERRY WORKMAN, and SHERRY WORKMAN

Duty to Avoid Unnecessary Costs of Services of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver was received.